

EXHIBIT “A”

Electronically Submitted
12/6/2021 2:22 PM
Hidalgo County Clerk
Accepted by: Ester Espinoza

CAUSE NO. CL-21-3957-F

THE STATE OF TEXAS
COUNTY OF HIDALGO

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you."

To: THE CHILDREN'S PLACE, INC
BY SERVING CORPORATION SERVICE COMPANY
D/B/A CSC LAWYERS INCORPORATING SERVICE COMPANY
211 E 7TH ST STE 620
AUSTIN, TEXAS 78701

GREETINGS: You are commanded to appear by filing a written answer to the Plaintiff's petition at or before 10 o'clock A.M. on or before the Monday next after the expiration of twenty (20) days after the date of service hereof, before the Honorable County Court At Law #6 of Hidalgo County, Texas, by and through the Hidalgo County Clerk at 100 N. Closner, First Floor, Edinburg, Texas 78539. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Said Plaintiff's Petition was filed in said Court, on the 30th day of November, 2021 in this Cause Numbered CL-21-3957-F on the docket of said Court, and styled,

ENEDELIA VILLARREAL

vs.

THE CHILDREN'S PLACE

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Original Petition accompanying this Citation and made a part hereof.

NAME & ADDRESS OF ATTORNEY FOR PLAINTIFF:

FERNANDO LOPEZ
2611 N TEXAS BLVD STE 1
WESLACO TX 78599

The officer executing this citation shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at Edinburg, Texas this 6th day of December, 2021.



ARTURO GUAJARDO, JR.
COUNTY CLERK, HIDALGO COUNTY, TEXAS
100 N. CLOSNER
EDINBURG, TEXAS 78539
COUNTY COURT AT LAW #6

BY Ester C. Espinoza DEPUTY
ESTER C. ESPINOZA

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SHERIFF'S/CONSTABLE'S/CIVIL PROCESS

SHERIFF'S RETURN

Came to hand on the 27 day of December, 2021, at 4:00 o'clock P
M., by Deputy (Sheriff/Constable)/Civil Process Server and to-wit the following:

DEFENDANT SERVED

Service was EXECUTED on the above referenced Defendant, in person, in Hidalgo County, Texas and served with a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying copy of the Plaintiff's Petition, at the following
Date, time, and place, to-wit:

NAME The Children's Place Inc. DATE _____ TIME _____ PLACE _____
By serving Corporation Service Company Certified mail Austin Tx
O/B/A CSC Lawyer Incorporation service company
By: Hank Niles By: _____
CIVIL PROCESS SERVER DEPUTY SHERIFF/CONSTABLE

DEFENDANT NOT SERVED

Service was ATTEMPTED at the above address on the above referenced Defendant on the following date(s) and time(s), but to no avail:

NAME _____ DATE _____ TIME _____ PLACE _____

NAME _____ DATE _____ TIME _____ PLACE _____

NAME _____ DATE _____ TIME _____ PLACE _____

By: _____
CIVIL PROCESS SERVER

By: _____
DEPUTY SHERIFF/CONSTABLE

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

In accordance to rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is _____, my date of birth is _____ and my address is _____

_____. I declare under penalty of perjury that the foregoing is true and correct

EXECUTED in _____ County, state of Texas, on the ____ day of _____, 20 ____.

DECLARANT

If Certified by the Supreme Court of Texas
Date of Expiration /SCH Number

CAUSE NO. CL-21-3957-F

ENEDELIA VILLARREAL
Plaintiff

VS.

THE CHILDREN'S PLACE INC.
Defendant

§
§
§
§
§
§
§

IN THE COUNTY COURT

AT LAW NO. _____

HIDALGO COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION AND
REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, ENEDELIA VILLARREAL hereinafter referred as Plaintiff and makes this, her Original Petition complaining of **THE CHILDREN'S PLACE INC.**, hereinafter called Defendant, and for cause of action would show unto the Court the following:

DISCOVERY CONTROL PLAN

1. Plaintiff intends to conduct discovery under Level II if the Discovery Control Plan, pursuant to Rule 190.3 of the Texas Rules of Civil Procedure.

CLAIM FOR RELIEF

2. Plaintiff seeks monetary relief over \$200,000.00 but not more than \$750,000.00 {Tex. R. Civ. P. 47(c)(3).}

PARTIES

3. Plaintiff, **ENEDELIA VILLARREAL**, is an individual who resides in Donna, Texas.

4. Defendant, **THE CHILDREN'S PLACE, INC.**, is a company authorized to do business in the State of Texas and may be served with process by certified mail return receipt requested by serving its registered agent for service, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th St. Suite 620, Austin, Texas 78701-3218.

VENUE

5. Venue is proper in Hidalgo County, Texas, pursuant to the Civil Practice and Remedies Code § 15.002(a)(1) in that the cause of action occurred in Hidalgo County, Texas.

FACTS

6. This a lawsuit for personal injuries and damages suffered by Plaintiff when the accident occurred on December 5, 2019, at **THE CHILDREN'S PLACE, INC.**, located at

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5001 E Expressway 83 SPACE 409, Mercedes, TX 78570. Plaintiff, **ENEDELIA VILLARREAL**, was shopping at the Children's Place and was browsing the store. She then made her way to the register where she slipped on an oil spill and fell on her back. The slip was hard and severe causing bodily injuries to Plaintiff.

NEGLIGENCE OF DEFENDANT

7. Plaintiff brings this suit to recover for personal injuries sustained by Plaintiff as a result of a dangerous condition on Defendant **THE CHILDREN'S PLACE, INC.**, property. Defendant **THE CHILDREN'S PLACE, INC.**, was guilty of acts and/or omissions which constituted negligence. These acts and/or omission including, but not limited to, the following:

1. Defendant failed to maintain a safe premise for its patrons;
2. Defendant failed to inspect the premises for potential hazards which could result in damages to its patrons;
3. Defendant failed to maintain the premises to avoid potential hazards to patrons;
4. Defendant failed to warn its patrons of potential hazards; and
5. Defendant known or should have known of the hazard on its premises and did nothing to correct it.

INJURIES TO PLAINTIFF ENEDELIA VILLARREAL

8. Plaintiff **ENEDELIA VILLARREAL** sustained the following serious bodily injuries as a direct and proximate result of the Defendants negligence:

1. Lower back pain;
2. Muscle spasms of the back;
3. Left leg pain;
4. Disc herniation.

DAMAGES TO PLAINTIFF ENEDELIA VILLARREAL

9. As a direct and proximate result of the negligence of Defendant as alleged herein, Plaintiff suffered the following damages:

1. Past medical expenses in the amount of excess of the jurisdictional limits of the court;
2. Future medical expenses in excess of the minimum jurisdictional limits of the court;

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3. Past and future pain and suffering in excess of the minimum jurisdictional limits of the court; and
4. Past and future mental anguish in excess of the minimum jurisdictional limits of the court.

REQUEST FOR DISCLOSURE

10. Under Texas Rule of Civil Procedure 194, plaintiff requests that defendant disclose, with-in 30 days of the service of this request, the information or material described in Rule 194.2.

JURY DEMAND

11. Pursuant to Rule 216, Texas Rules of Civil Procedure, Plaintiff requests trial by jury as to all issues of facts presented herein.

PRAYER

12. Because Plaintiff is a person entitled to make a direct claim under the terms of the policy issued by Defendant and the claims submitted by Plaintiff for personal injuries sustained on December 5, 2019, they are covered under the terms issued by Defendant by virtue of the special relationship between Plaintiff and Defendant. Defendant owes Plaintiff duties of good faith and fair dealing with respect to refusing to pay benefits due when Defendant knew or should have known that there was no reasonable basis for denial. In particular, the conduct of Defendant was tortious in that among other things, Defendant offered a settlement of Plaintiff's claims in an amount far less than Defendant knew the claim to be worth for the purpose of attempting to coerce Plaintiff to accept less than what they were entitled to under the terms of the policy. Furthermore, the conduct of Defendant was malicious, fraudulent, or done with actual conscious indifference to the rights, safety, or welfare of Plaintiff so as to entitle Plaintiff to an award of exemplary damages in an amount when combined with any and all other damages are less than Seven Hundred Fifty Thousand Dollars (\$750,000.00) exclusive of court costs and expenses.

WHEREFORE, PREMISES CONSIDERED, Plaintiff's request that Defendant be cited to appear and answer and that on final trial, Plaintiff have:

1. Judgment against Defendant for the actual and special damages suffered by Plaintiff in an amount to be determined by the trier of facts;
2. Judgment against Defendant for the gross negligence to be determined by the trier of facts;
3. Interest after judgment at the rate prescribed by law until paid;
4. Interest before judgment at the rate prescribed by law until paid;

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11/30/2021 1:19 PM
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5. Cost of Suit;
6. Such other and further relief to which Plaintiff may be justly entitled; and
7. The total amount of all damages do not exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00) exclusive of court costs and expenses.

Respectfully submitted,

The Lopez Law Group, PLLC
2611 N. Texas Blvd, Suite 1
Weslaco, Texas 78599
Telephone: 956-968-7800
Facsimile: 956-968-7880
Email: fjlopez@myrgvlawyer.com

/s/ Fernando J. Lopez

FERNANDO J. LOPEZ
State Bar No. 24060186
Attorney for Plaintiff

(2022-100)

CAUSE NO. CL-21-3957-F

ENEDELIA VILLARREAL	§	IN THE COUNTY COURT
	§	
VS.	§	AT LAW NO. 6 OF
	§	
THE CHILDREN'S PLACE	§	HIDALGO COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant, THE CHILDREN'S PLACE, and hereby makes and files this its Original Answer to Plaintiff's Original Petition, and in support hereof would show the Court as follows:

I.

GENERAL DENIAL

Defendant denies each and every, all and singular, the allegations in Plaintiff's Original Petition, and says that they are not true, in whole or in part, and demands strict proof thereof on the trial of this cause.

WHEREFORE, PREMISES CONSIDERED, Defendant THE CHILDREN'S PLACE, respectfully prays that Plaintiff take nothing from this Defendant and that the Court enter a judgment dismissing all claims against this Defendant with prejudice and awarding all costs of court and expenses incurred herein, and for such other and further relief, at law and in equity, general or special, to which this Defendant might show itself to be justly entitled to receive.

Respectfully submitted,

HODGE JAMES JILPAS & NICHOLS

Attorneys at Law

P.O. Box 534329 (78553)

1617 E. Tyler Ave., Suite A

Harlingen, Texas 78550

Telephone: (956) 425-7400

Facsimile: (956) 425-7707

/s/ Anthony B. James

Anthony B. James

State Bar No. 10537300

Email: ajames@hodgejames.com

Attorneys for Defendant,

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing, Defendant's Original Answer, has been served on the 14th day of January, 2022, to all attorneys of record as follows:

Email: fjlopez@myrgvlawyer.com

Fernando J. Lopez

The Lopez Law Group, PLLC

2611 N. Texas Blvd., Suite 1

Weslaco, Texas 78599

Attorney for Plaintiff

/s/ Anthony B. James

Anthony B. James

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Anthony James on behalf of Anthony James
Bar No. 10537300
ssaucedo@hodgejames.com
Envelope ID: 60837124
Status as of 1/14/2022 4:09 PM CST

Associated Case Party: Enedelia Villarreal

Name	BarNumber	Email	TimestampSubmitted	Status
Fernando J.Lopez		fjlopez@myrgvlawyer.com	1/14/2022 1:33:59 PM	SENT